

REMARKS/ARGUMENTS

With this Request for Continued Examination and Amendment, Applicant submits a Power of Attorney and a Statement Under 37 CFR 3.73(b) authorizing the undersigned to act on its behalf in connection with the present application. Applicant respectfully requests that the Office associate this application with customer number 20572 and update its records to reflect attorney docket number 008800-0220.

In the October 31, 2005, Office Action, the Examiner reminded Applicant of the proper format for an abstract of the disclosure. Applicant has amended the abstract to delete use of the phrase "is disclosed."

Claims 43, 48 and 49 were rejected under 35 U.S.C. §112, second paragraph, for failing to provide proper antecedent basis for the element "the sides". Claims 43, 48 and 49 have been amended to overcome this rejection.

Claims 42 through 49 and 51 through 64 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,366,099 (Schmid). In light of the amendments presented herein, Applicant respectfully disagrees that the invention, as presently claimed, is anticipated by Schmid.

As illustrated in Figs. 1 and 3, Schmid does not teach or disclose an assembly movably coupled to the first base that includes a member movable along the length of the first base and configured to extend longitudinally beyond the back of the base.

Specifically, Schmid does not contain such a movable member. Indeed, the Schmid assembly (defined by the Examiner as 30, 28, 27, 26 and the unnumbered portion shown in Fig. 3 which surrounds elements 42, 44 and 32A and which includes element 14) may include a movable member 26, but member 26 is not configured to extend longitudinally beyond the back

of the base. Clearly, the member 26 is prevented from extending longitudinally beyond the back of the base (as defined by the Examiner) by the posts 24. In addition, to the extent that the rear end portion 14 is considered the "back" of the first base, member 26 is still prevented from extending longitudinally beyond the back of the base by the posts 24. As described in Col. 3, lines 18-22, it is simply not taught, suggested or contemplated that the member 26 would extend beyond the back of the base to provide a third space for containing articles.

Further, the member (defined by the Examiner as the unnumbered portion shown in Fig. 3 which surrounds elements 42, 44 and 32A and which includes element 14) is not movable along the length of the base. First, rear end member 14 is stationary and cannot move along the length of the base. Also, the unnumbered portion shown in Fig. 3 which surrounds elements 42, 44 and 32A cannot move along the length of the base. Accordingly, Schmid does not include each and every element recited in Claim 42, and therefore does not anticipate Claim 42.

Moreover, because Claims 43 through 64 depend from Claim 42, and contain each and every element recited therein, Claims 43 through 64 are also not anticipated by Schmid.

Finally, Claim 50 was objected to as being depended on a rejected base claim, but was stated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In light of the amendments presented herein, Claim 50 is believed to be allowable.

CONCLUSION

In view of the remarks presented herein, it is respectfully submitted that Claims 42 through 64 are in condition for allowance and reconsideration of same and notice of allowance of

the claims is respectfully requested. Applicant submits that no new matter has been added to the application.

Applicant requests that the Examiner telephone the undersigned in the event a telephone discussion would be helpful in advancing the prosecution of the present case. The Commissioner is authorized to charge any additional fees or underpayment of fees regarding this response, including extensions for reply, to Deposit Account 07-1509.

Respectfully submitted,

DCI MARKETING, INC.

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